

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

COURTNEY BOYD, #208921,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:06-CV-511-WKW
	)	
DR. DARBOUZE, et al.,	)	
	)	
Defendants	)	

**ORDER ON MOTION**

Upon consideration of the motion for status filed by the plaintiff on March 28, 2007 (Court Doc. No. 73), in which the plaintiff seeks the status of a motion for jury trial allegedly placed in the prison mail system on November 2, 2006, and for good cause, it is

ORDERED that the motion for status be and is hereby GRANTED. The plaintiff is advised that the court received and docketed the referenced motion for jury trial on March 22, 2007 (Court Doc. No. 71). The court entered an order denying the aforementioned motion for jury trial on trial March 23, 2007 “as the plaintiff failed to serve this request within the time mandated by Rule 38(b), *Federal Rules of Civil Procedure*. The plaintiff is advised that the motion to compel referenced as his ‘last pleading’ is not a pleading directed to an issue triable by jury within the meaning of Rule 38(b).” *Court Doc. No. 72*. The court notes that even had the motion for jury trial been filed on November 2, 2006, the alleged date of submission to prison authorities for mailing, the motion remains

untimely because the motion to compel filed in October of 2006, which the plaintiff utilizes to compute the 10-day deadline mandated by Rule 38(b), *Federal Rules of Civil Procedure*, is not a ***pleading*** directed to a triable issue so as to extend the time for filing a jury demand.

Done this 29th day of March, 2007.

/s/ Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE